

CHAPTER 21

STATE AID TO COUNTIES AND MUNICIPALITIES

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 27:8-1 to 9.

Source and Effective Date

R.1990 d.439, effective August 6, 1990.
See: 22 N.J.R. 1896(a), 22 N.J.R. 2749(a).

Executive Order 66(1978) Expiration Date

Chapter 21, State Aid to Counties and Municipalities, expires on August 6, 1995.

Chapter Historical Note

Chapter 21, State Aid to Counties and Municipalities, was filed as an exempt emergency rule and became effective March 24, 1980 as R.1980 d.127. See: 12 N.J.R. 215(a). Chapter 21 expired on March 24, 1985. The expired text of Chapter 21 was proposed and adopted as R.1985 d.434, effective September 3, 1985. See: 17 N.J.R. 566(a), 17 N.J.R. 2143(b). Pursuant to Executive Order No. 66(1978), Chapter 21 was readopted as R.1990 d.439. See: Source and Effective Date.

See section annotations for specific rulemaking activity.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:21-1.1 Appropriation of funds
- 16:21-1.2 Standards
- 16:21-1.3 Applications and agreements
- 16:21-1.4 Procedure
- 16:21-1.5 Contracts

SUBCHAPTER 2. PLANS AND SPECIFICATIONS

- 16:21-2.1 Local government responsibility

SUBCHAPTER 3. CONTRACTS

- 16:21-3.1 Award of contract
- 16:21-3.2 Contract completion and payment

SUBCHAPTER 4. STATE PARTICIPATION IN COST

- 16:21-4.1 State participation in cost

SUBCHAPTER 5. AUDIT

- 16:21-5.1 General provisions

SUBCHAPTER 1. GENERAL PROVISIONS

16:21-1.1 Appropriation of funds

1979 Transportation Bond Issue Funds are appropriated by the Legislature as the State's share of the cost for the construction, reconstruction, resurfacing, restoration and rehabilitation of county and municipal roads and bridges.

16:21-1.2 Standards

(a) The proposed road and bridge improvement projects shall conform to the design criteria of the appropriate American Association of State Highway and Transportation Officials publication listed below.

1. Geometric Design Guide for Resurfacing, Restoration and Rehabilitation (R-R-R) of Streets;
2. A Policy on Geometric Design of Highways and Streets;
3. Standard Specifications for Highway Bridges.

Note: Any exceptions to the above design criteria must be justified by the local engineer to be in the public interest.

(b) All workmanship and materials shall conform with the current New Jersey State Department of Transportation Standard specifications for Road and Bridge Construction.

Amended by R.1989 d.71, effective February 6, 1989.
See: 20 N.J.R. 2999(a), 21 N.J.R. 307(a).

Deleted (a)3 and 4 and recodified (a)5 to (a)3; deleted text in (b) "as amended for ...".

16:21-1.3 Applications and agreements

(a) Each county and municipality may submit fully executed applications and agreements for 1979 Transportation Bond Issue Funds to the district office of the Bureau of Local Aid.

(b) Application and agreement forms are available to the local government at the district offices.

16:21-1.4 Procedure

(a) The application and agreement provides for an engineering description of the existing road or bridge and the description of the proposed road improvement indicating the right-of-way width, paved and graded widths, shoulder widths, type and depth of proposed pavement and an estimate of the cost of the proposed work. The district offices shall make a field investigation of all projects for which applications have been received. The Commissioner of Transportation determines the applications considered essential.

(b) State Aid funds for County and Municipal projects in each County will be allocated according to the formula set forth in the legislation appropriating said funds. For the purpose of said formula, population figures will be derived from the 1970 Federal Census, and road mileage figures will be the latest available statewide County and Municipal road mileages.

16:21-1.5 Contracts

All work must be performed by the contract method unless otherwise approved by the State.

SUBCHAPTER 2. PLANS AND SPECIFICATIONS

16:21-2.1 Local government responsibility

(a) The local government shall be responsible for engaging a Professional Engineer registered in the State of New Jersey to prepare construction plans and specifications and to provide construction engineering and inspection and material testing as required.

(b) The local government will provide such maps, reports, construction plans and specifications and contract documents as may be required by the State.

SUBCHAPTER 3. CONTRACTS

16:21-3.1 Award of contract

(a) The local government will advertise and award the contract, subject to the approval of the State, in accordance with the provisions of Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

(b) Fifteen calendar days prior to the time of advertisement for construction bids, the local government shall submit the following to the Local Aid District Office:

1. Two copies of the contract plans and specifications; and
2. Two copies of the engineer's estimate of costs.

(c) Within 30 calendar days following the receipt of construction bids, the local government shall submit the following to the district office of the Bureau of Local Aid:

1. Two copies of the summary of construction bids;
2. A resolution awarding the contract to the lowest responsible bidder, subject to the approval of the Department.

(d) When all information relative to the bidding has been approved by the State, the local government shall be advised of the approval of the award of contract.

Amended by R.1989 d.71, effective February 6, 1989.

See: 20 N.J.R. 2999(a), 21 N.J.R. 307(a).

Added new (b); recodified (b)-(c) as (c)-(d); deleted 1.-2. and recodified 3.-4. as 1.-2.

16:21-3.2 Contract completion and payment

(a) When all work has been completed satisfactorily, the local government will prepare and submit to the Local Aid District Office, the following:

1. A statement of the work performed, certified by the municipal/county engineer, for acceptance and approval of the completed work;

2. A certification by the county/municipal chief financial officer that all expenditures are supported by valid documentation and conform with the terms of the State's agreement; and

3. A request for reimbursement by the State, on vouchers to be supplied by the State.

(b) After a final inspection of the completed work by the State, action shall be taken to reimburse the county/municipality.

(c) The County/Municipality shall maintain complete documentation of the project for a period of three years after receiving reimbursement by the State. An evaluation of the acceptability of the work by the Department and a determination of the extent of State participation in the cost thereof, will be based on an inspection of the completed project and a review of the documentation maintained by the County/Municipality.

Amended by R.1987 d.267, effective July 6, 1987.

See: 19 N.J.R. 624(a), 19 N.J.R. 1230(a).

(a) and (b) substantially amended.

SUBCHAPTER 4. STATE PARTICIPATION IN COST

16:21-4.1 State participation in cost

(a) Unless otherwise approved by the Department, State participation shall not exceed the lesser of either 90 per cent of the eligible cost of the completed construction work or the original allocation.

(b) Unless otherwise approved by the Department, design costs, the costs of acquisition of all necessary right-of-way, easements, slope rights and permits as required by governmental agencies and costs associated with construction supervision and inspection and material testing will be totally borne by the County/Municipality and not be considered as eligible project cost.

SUBCHAPTER 5. AUDIT

Authority

N.J.S.A. 27:1A-5, 27:1A-6 and 27:8-1 to 9.

Source and Effective Date

R.1987 d.267, effective July 6, 1987.

See: 19 N.J.R. 624(a), 19 N.J.R. 1230(a).

16:21-5.1 General provisions

(a) The municipality shall comply with the State of New Jersey Single Audit Policy defined by the Department of Treasury, Office of Management and Budget and the Single Audit Act of 1984 (Federal OMB Circular A-128).

(b) A Single Audit of the municipality shall be performed annually beginning with the fiscal year ended December 31, 1986 by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards in conformity with State Audit Policy.

(c) Department of Transportation agreements governed by N.J.A.C. 16:21 shall be subjected to audit compliance

tests in accordance with requirements delineated in the Department of Treasury, OMB publication entitled "New Jersey Grants Management Information System Manual".

(d) Expenditures prior to January 1, 1986 made under the terms of the county/municipality agreement(s) with the Department of Transportation and not previously audited by an independent auditor or public accountant who meets the independence standards specified in generally accepted government auditing standards may be audited in context of the Single Audit performed for the fiscal year ended December 31, 1986.

(e) Audit costs incurred by the municipality to comply with this subchapter shall not be reimbursable.